

COMMENTS

In view of the Interview on 3/29/11 and applicant's request for reconsideration of the finality of the rejection of the last Office action of 3/30/11, the Remarks are persuasive and, therefore, the finality of that action is withdrawn.

Claims 1-3, 25-27, 27-39, 43, and 45-64 are allowable. Claims 40-42, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between inventions relating to biotechnology and financial trends, as set forth in the Office action mailed on 12 November 2008, is hereby withdrawn** and claims 40-42 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Gary Abelev on 4 April 2011 and 5 April 2011.

In the claims:

Cancel claim 41.

In lines 6-7 of claim 1, delete the phrase "repeatedly dividing the at least one interval" and insert the phrase --iteratively dividing at least one of the at least one interval more than once--.

In lines 8-12 of claim 1, delete the phrase "determining the statistically-outlying data points present in the at least one dataset based on information related to the subintervals, wherein each particular data point of the statistically outlying data points is (i) associated with a particular subinterval of the subintervals, and (ii) determined as a function of a length of the particular subinterval of the subintervals associated with the particular data point" and insert the phrase --determining the statistically-outlying data points present in the at least one dataset, wherein each data point is associated with a particular subinterval of the subintervals, and wherein the determination is performed based on information related to the subintervals and as a function of the length of the particular subinterval of the subintervals associated with the particular data point--.

In line 11 of claim 25, delete the phrase “repeatedly dividing the at least one interval” and insert the phrase --iteratively dividing at least one of the at least one interval more than once--.

In lines 14-18 of claim 25, delete the phrase “to determine the statistically-outlying data points present in the at least one dataset based on information related to the subintervals, wherein each particular data point of the statistically outlying data points is (i) associated with a particular subinterval of the subintervals, and (ii) determined as a function of a length of the particular subinterval of the subintervals associated with the particular data point” and insert the phrase --to determine the statistically-outlying data points present in the at least one dataset, wherein each data point is associated with a particular subinterval of the subintervals, and wherein the determination is performed based on information related to the subintervals and as a function of the length of the particular subinterval of the subintervals associated with the particular data point--.

In line 8 of claim 37, delete the phrase “repeatedly dividing the at least one interval” and insert the phrase --iteratively dividing at least one of the at least one interval more than once--.

In lines 10-14 of claim 37, delete the phrase “determine the statistically-outlying data points present in the at least one dataset based on information related to the subintervals, wherein each particular data point of the statistically outlying data points is (i) associated with a particular subinterval of the subintervals, and (ii) determined as a function of a length of the particular subinterval of the subintervals associated with the

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particular data point” and insert the phrase --determine the statistically-outlying data points present in the at least one dataset, wherein each data point is associated with a particular subinterval of the subintervals, and wherein the determination is performed based on information related to the subintervals and as a function of the length of the particular subinterval of the subintervals associated with the particular data point--.

REASONS FOR ALLOWANCE

The following is an examiner’s statement of reasons for allowance:

The invention pertains to a unique way of determining statistically outlying data points present in a dataset and is free of the prior art because once the dataset is iteratively divided into intervals and subintervals, then each data point must be associated with a particular subinterval, and then each outlying data point must be determined, in part, as a function of the length of the particular subinterval to which each data point is associated. The claims have biological and financial utility.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

CONCLUSION

Claims 1-3, 25-27, 37-40, 42-43, and 45-64 are allowed.

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Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the central PTO Fax Center. The faxing of such pages must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The Central PTO Fax Center Number is (571) 273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Negin, whose telephone number is (571) 272-1083. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Marjorie Moran, Supervisory Patent Examiner, can be reached at (571) 272-0720.

Information regarding the status of the application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information on the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Russell S. Negin/
Primary Examiner, Art Unit 1631
5 April 2011